

REMARKS

In response to the Office Action dated 12 August 2004, the applicants request reconsideration of the above-identified application in view of the following remarks. Claims 1-25 are pending in the application, and are rejected. Claim 7 will be amended, and new claims 26-39 will be added, upon entry of the present amendment. No new matter has been added.

Claim Amendment

Claim 7 is amended herein to provide a proper antecedent basis for some claim elements and to correct grammar, and is not amended in response to the prior art rejection. No new matter has been added. This is not a narrowing amendment.

New Claims

New claims 26-39 will be added upon entry of the present amendment. No new matter has been added.

Rejection of Claims Under §102

Claims 1-4, 6, 7, 9-14, 16-19, and 21-25 were rejected under 35 USC §102(e) as being anticipated by Miya et al. (U.S. Published Application 2002/0191582 A1, Miya). The applicants respectfully traverse.

The applicants respectfully submit that Miya is not prior art under 35 USC §102(e). The above-identified application was filed on 17 December 2001, before Miya was published as a U.S. Published Application. Miya derives from a PCT application number PCT/JP01/10306, filed on 27 November 2001. A copy of WO 02/45296 A1 is submitted herewith in an Information Disclosure Statement. WO 02/45296 A1 is the WIPO publication of PCT application PCT/JP01/10306, and is published in Japanese.

The MPEP has set forth examination guidelines for applying references under 35 USC §102(e).¹ An international application that was not published in English cannot be used as a

¹ MPEP 706.02(f)(1).

reference under 35 USC §102(e) as of its international filing date.² The international application from which Miya claims priority was not published in English.

The applicants respectfully submit that Miya is not prior art under 35 USC §102(e), and that claims 1-4, 6, 7, 9-14, 16-19, and 21-25 are in condition for allowance.

Rejection of Claims Under §103

Claims 5, 15, and 20 were rejected under 35 USC § 103(a) as being unpatentable over Miya in view of Leung (U.S. 6,452,917). Claim 8 was rejected under 35 USC § 103(a) as being unpatentable over Miya in view of Almgren et al. (WO 01/20808 A2). The applicants respectfully traverse.

For the reasons stated above, the applicants respectfully submit that Miya is not prior art under 35 USC §102(e), and that claims 5, 8, 15, and 20 are in condition for allowance.

² MPEP page 700-28, column 1, paragraph (2).

CONCLUSION

The applicants respectfully submit that all of the pending claims are in condition for allowance, and such action is earnestly solicited. The Examiner is invited to telephone the below-signed attorney at 612-373-6973 to discuss any questions which may remain with respect to the present application.


If necessary, please charge any additional fees or credit overpayment to Deposit Account No. 19-0743.

Respectfully submitted,

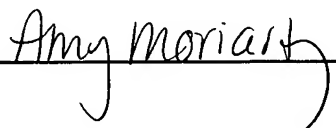
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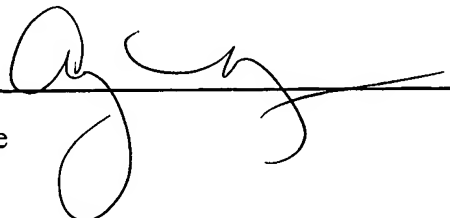
By their Representatives,

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Date 12 November 2004 By 
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Reg. No. 35,271

CERTIFICATE UNDER 37 CFR 1.8: The undersigned hereby certifies that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail, in an envelope addressed to: MS Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on this 12th day of November, 2004.


Name


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